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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 15, 2001

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W. , Room TW-A325  
Washington, D.C. 20554

Re: Revised Communications Assistance for Law Enforcement Act Compliance  
Procedures for NuVox, Inc. and NuVox Communications, Inc. (fka Gabriel  
Communications, Inc. and TriVergent Communications, Inc., respectively)  
Reflecting Corporate Name Change and Revised Commission Requirements  
in CC Docket 97-213

Dear Ms. Salas:

On May 2, 2000, Gabriel Communications, Inc. (now known as NuVox, Inc. or "NuVox") submitted its internal policies and procedures to implement requests for interception of communications or access to call-identifying information under the Communications Assistance for Law Enforcement Act ("CALEA"). In accordance with the Commission's *Second Order on Reconsideration* in CC Docket 97-213, NuVox hereby revises its internal procedures to comply with a clarification and revised requirement in that Order. Specifically, NuVox has identified its CALEA contact in a separate Appendix and has changed the language in the CALEA certification regarding the start date and time of the interception or access.

Additionally, NuVox has changed the name on its CALEA policies from Gabriel Communications, Inc. to NuVox to reflect its corporate name change. It has also added NuVox Communications, Inc. (formerly TriVergent Communications, Inc.) to its policies and procedures to reflect that NuVox Communications, Inc. will follow the same procedures and have the same point of contact for CALEA purposes.

Please contact me if you have any questions or comments.

Sincerely,

*Carol Keith*

Carol Keith  
Director-Midwest, Regulatory and Public Affairs  
(636) 537-7337  
[ckeith@nuvox.com](mailto:ckeith@nuvox.com)

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# NuVox. Inc.'s CALEA Compliance Procedures

In accordance with 47 C.F.R. 64.2103 through 64.2105 and other applicable Federal Communications Commission Orders, these internal procedures delineate the manner in which NuVox. Inc. ("NuVox") will comply with all Communications Assistance for Law Enforcement Act ("CALEA") requests submitted by law enforcement agencies ("LEAs"). These policies and procedures are being established to ensure the supervision and control of NuVox officers and employees when responding to CALEA requests.

## I. NuVox's CALEA Obligations and LEA Restrictions

CALEA requires NuVox to:

- Enable LEAs to intercept all communications concurrently with their transmission or at such later time as may be acceptable to the LEA.
- Expeditiously isolate and enable the LEA to access call-identifying information that is reasonably available to NuVox before, during or immediately after the transmission of a wire or electronic communication and in a manner that allows it to be associated with the communication to which it pertains. If information is acquired solely pursuant to authority for pen registers and trap and trace devices, call-identifying information may not include any information that may disclose the physical location of the subscriber (except to the extent the location can be determined from the telephone number).
- Facilitate interceptions with a minimum of interference to any subscriber's service in a way that protects both the privacy of unintercepted subscribers and information about the LEA's interception.

LEAs may not remotely activate interceptions within the switching premises of NuVox or enter into NuVox's switching office premises to effect an interception without the carrier's prior knowledge and consent.

## II. NuVox Contact for CALEA Requests

NuVox personnel shall not access call-identifying information or intercept communications until NuVox's point of contact has assured that appropriate legal authorization has been obtained by the requesting LEA. This contact can be reached seven days a week, 24 hours a day. The point of contact responsible for affirmatively intervening to ensure that CALEA information can be activated in accordance with appropriate legal authorization is listed on Appendix A to these Compliance Procedures.

## III. Job functions of NuVox's CALEA Contact

- A. The CALEA Contact will assure that carrier personnel receive appropriate legal authorization and appropriate carrier authorization before enabling LEA officials and carrier personnel to execute intercept requests.
  - i. **Appropriate legal authorization** means: (1) A court order signed by a judge or magistrate authorizing or approving interception of wire or electronic communications; or (2) Other authorization, pursuant to 18 U.S.C. 2518(7), or any other relevant federal or state statute.
  - ii. **Appropriate carrier authorization** means these NuVox policies and procedures adopted to supervise and control NuVox's officers and employees authorized to assist LEAs in conducting any CALEA inquiries.
- B. Upon receipt of a proffered authorization by a LEA, the CALEA contact must determine if the authorization is what it purports to be and whether it can be implemented technically, including whether the authorization is sufficiently and

accurately detailed to enable NuVox personnel to comply with its terms. The CALEA contact must review the court order in order to act within its stated scope but he or she does not need to review the validity of the court order prior to initiating an interception request.

- C. NuVox personnel shall not perform the interception or access call-identifying information until the CALEA contact has given his or her permission.
- D. The CALEA Contact must report to the affected LEA agencies, within a reasonable time period (or when possible within two days) after discovery of:
  - (1) Any act of compromise of a lawful interception of communications or access to call-identifying information to unauthorized persons or entities; or,
  - (2) Any act of unlawful electronic surveillance that occurred on NuVox's premises.
- E. The CALEA contact will retain secure and accurate records of each CALEA interception or access for a period of at least one year after each interception or access to call-identifying information. The record must be compiled either contemporaneously with, or within a reasonable period of time after the initiation of the CALEA interception. The record of each interception or access, made with or without appropriate authorization, will be retained in the form of single certification. This certification must include the following information, as included on the attached form:
  - (1) The telephone number(s) and/or circuit identification numbers involved;
  - (2) The start date and time that the carrier enables the interception of communications or access to call identifying information;
  - (3) The identity of the LEA officer presenting the authorization;
  - (4) The name of the person signing the appropriate legal authorization;
  - (5) The type of interception of communications or access to call-identifying information (e.g., pen register, trap and trace, Title III, FISA); and
  - (6) The name of the CALEA contact who is responsible for overseeing obtaining CALEA information and who is acting in accordance with the carriers' policies.
  - (7) The signature of the CALEA contact.

## **CALEA Certification**

I, \_\_\_\_\_, am NuVox, Inc.'s ("NuVox") Communications Assistance for Law Enforcement Act ("CALEA") point of contact. My title at NuVox is \_\_\_\_\_. I hereby certify that the following CALEA interception or access to call-identifying information occurred:

1. The telephone number(s) and/or circuit identification numbers involved:
  
  
  
  
  
  
  
  
  
  
2. The start date and time that NuVox enabled the interception of communications or access to call identifying information:
  
  
  
  
  
  
  
  
  
  
3. The identity of the LEA officer presenting the authorization:
  
  
  
  
  
  
  
  
  
  
4. The name of the person signing the appropriate legal authorization:
  
  
  
  
  
  
  
  
  
  
5. The type of interception of communications or access to call-identifying information (e.g., pen register, trap and trace, Title III, FISA):
  
  
  
  
  
  
  
  
  
  
6. The name of the CALEA contact responsible for overseeing obtaining CALEA information and who is acting in accordance with NuVox's policies:

Signature of the CALEA contact:

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## Appendix A

The point of contact responsible for affirmatively intervening to ensure that CALEA information can be activated in accordance with appropriate legal authorization is:

Joseph Kennedy  
Director of Security  
NuVox, Inc.  
16090 Swingley Ridge Rd., Suite 500  
Chesterfield, MO 63017  
24 Contact Number: 314-265-6680